

By: Zedler

H.B. No. 1274

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for the unwarranted commitment of a person to a mental health facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 571.020(c), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(c) An individual who commits an offense under this section is subject on conviction to:

(1) a fine of not less than \$100,000 [~~\$50~~] or more than \$250,000 [~~\$25,000~~] for each violation and each day of a continuing violation;

(2) confinement in jail for not more than two years for each violation and each day of a continuing violation; or

(3) both fine and confinement.

(d) A person other than an individual who commits an offense under this section is subject on conviction to a fine of not less than \$100,000 [~~\$500~~] or more than \$250,000 [~~\$100,000~~] for each violation and each day of a continuing violation.

(e) If it is shown on the trial of an individual that the individual has previously been convicted of an offense under this section, the offense is punishable by:

(1) a fine of not less than \$250,000 [~~\$100~~] or more than \$500,000 [~~\$50,000~~] for each violation and each day of a continuing violation;

1 (2) confinement in jail for not more than four years
2 for each violation and each day of a continuing violation; or

3 (3) both fine and confinement.

4 (f) If it is shown on the trial of a person other than an
5 individual that the person previously has been convicted of an
6 offense under this section, the offense is punishable by a fine of
7 not less than \$250,000 [~~\$1,000~~] or more than \$500,000 [~~\$200,000~~]
8 for each violation and each day of a continuing violation.

9 SECTION 2. The changes in law made by this Act apply only to
10 an offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect on the date the offense was committed, and the
13 former law is continued in effect for that purpose. For purposes of
14 this section, an offense was committed before the effective date of
15 this Act if any element of the offense occurred before that date.

16 SECTION 3. This Act takes effect September 1, 2019.